



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZRZ13-00038  
**Application Type:** Rezoning  
**CPC Hearing Date:** September 11, 2014  
**Staff Planner:** Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov  
**Location:** West of Doniphan & South of Montoya  
**Legal Description:** Portion of Lot 1, Block 1, Miramonte Industrial Park Unit 1, Replat "A", City of El Paso, El Paso County, Texas  
**Acreage:** 8.846 acres  
**Rep District:** 1  
**Current Zoning:** P-I/sc (Planned Industrial/Special contract)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** Special contract dated September 14, 1972 (Attachment 4)  
**Request:** P-I/sc (Planned Industrial/Special contract) to C-4/sc (Commercial/Special contract)  
**Proposed Use:** Office-Warehouse  
**Property Owner:** RDG-PDI Center, LLC  
**Representative:** CSA Design Group, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** P-I/sc (Planned Industrial/Special contract) / Milk Bottling  
**South:** P-R II/Special contract (Planned-Residential 2/Special contract) / Single Family Homes  
**East:** P-I/sc (Planned Industrial/Special contract) / Manufacturing  
**West:** P-R I (Planned Residential 1) / Single Family Homes

**PLAN EL PASO DESIGNATION:** G-7, Industrial and/or Railyard (Northwest Planning Area)

**NEAREST PARK:** Little River (4,323 feet)

**NEAREST SCHOOL:** Herrera Elementary (5,384 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association  
Upper Mesa Hills Neighborhood Association  
Coronado Neighborhood Association  
Upper Valley Neighborhood Association  
Save the Valley

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 26, 2014. The Planning Division has received 1 letter in support of the rezoning request.

### **CASE HISTORY**

Upon annexation the subject property was zoned to I-D (Industrial-District) by Ordinance 4926 on September 14, 1972, which included a special contract (see Attachment 4) with conditions as follows:

- 1. The plat and deed restrictions referred to in Section 25-32.1(F)(1) of the El Paso City Code shall be subject to approval by both the City Plan Commission and the City Council Platting of both parcels will be required.*
- 2. In addition thereto, the restrictions set forth in Exhibit A attached hereto shall be filed concurrently with the plat.*
- 3. The design of the facilities for drainage of the site shall be subject to approval by both the City Engineer and the City Council, and such drainage facilities shall be constructed before or concurrently with the*

- construction of any building or structure.*
4. *First Party has obtained from the Atchison, Topeka and Santa Fe railway Company a commitment to provide automatic crossing gates and flashing signals at three grade crossings, traffic over which may be affected by the proposed rezoning; and as a further inducement to the City Council to adopt the proposed zoning, a contract with the railway providing for such traffic protection will be filed herewith, as part of this transaction.*

Conditions for platting and railroad improvements have been complied with. The condition for approval of drainage plans before building permits is addressed at the building permits stage and is not yet required for this case.

On September 25, 1979 the property was subsequently rezoned to its current zoning of P-I (Planned-Industrial) by Ordinance No. 6725 (see Attachment 5).

On February 13, 2014 the City Plan Commission voted to rezone the property to C-3. The applicant subsequently withdrew the application.

#### **APPLICATION DESCRIPTION**

The property owner is requesting a rezoning from P-I/sc (Planned-Industrial/Special contract) to C-4/sc (Commercial/Special contract) to permit an automobile storage facility and future commercial development. The conceptual site plan shows an 8.846 acre parcel upon which 3.41 acres is proposed for the office-warehouse and automobile facility. The portion of the lot proposed for immediate development includes a 2,220 s.f. building with a possible 7,545 s.f. expansion. Access to the property is proposed from an extension off Luckett Court.

#### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the rezoning from P-I/sc (Planned-Industrial/sc) to C-4/sc (Commercial/Special contract).

The proposed rezoning will downzone the existing industrially-zoned property and thereby provide a transitional zoning district between the adjacent residentially zoned properties.

#### **Plan El Paso-Future Land Use Map Designation**

All applications for a rezoning shall demonstrate compliance with the following criteria:

G-7 – Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.

The purpose of the C-4 (Regional Commercial) district is to provide commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provides a transition from general business areas to industrial and manufacturing uses, and accommodates major locations of commerce, service and employment activities.

#### **COMMENTS:**

##### **Planning Division - Transportation**

No objection. A TIA is not required.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

##### **City Development Department – Building & Development Permitting**

No objections to proposed rezoning. All future construction will need to adhere to all relevant zoning, building,

municipal and ADA code requirements.

**City Development Department - Land Development**

No objection.

**El Paso Fire Department**

Recommend "Approval w/conditions" of "Site Plan Application" as presented.

\*\*\*\*\*NOTE \*\*\*\*\* PZRZ 14-00038

In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted "Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi-family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems.

"When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments".

The Fire Planning Division has reviewed the submitted "Preliminary Site Plan Application" as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**El Paso Water Utilities**

1. EPWU does not object to this request.
2. Water and sanitary sewer main extensions are required to provide service to the proposed development.
3. All costs associated with the extensions of water and/or sanitary sewer mains are the responsibility of the Owner/Developer.

**EPWU-PSB Comments**

**Water:**

1. There is an existing eight (8) inch diameter water main that extends along Luckett Ct. and dead ends approximately 751 feet south of Montoya Rd. The main is located approximately 10 feet east of the street right of way line. An extension of an 8-inch diameter water main from the 8-inch water main dead-end will be required to service the subject property.

**Sanitary Sewer:**

1. There is an existing eight (8) inch diameter sanitary sewer main that extends along Luckett Ct. and the existing 30-foot easement that extends along the western portion of the property. This sanitary sewer main is available for service.

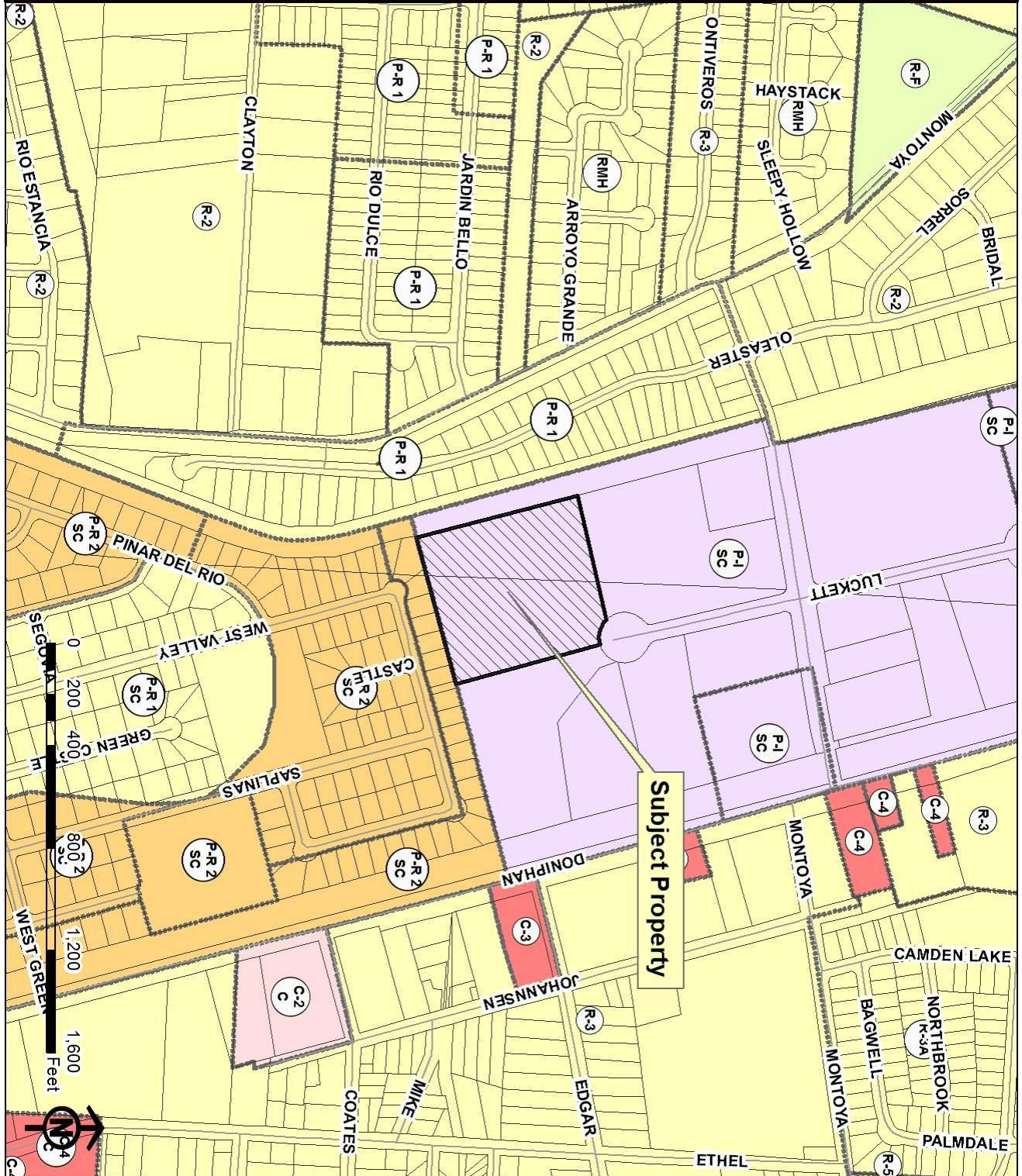
**General:**

1. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easements without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.
2. During the improvement work of the site, the Owner/Developer shall safeguard all existing water mains, sanitary sewer mains, and appurtenant structures. If the PSB facilities are damaged during the subdivision improvement work, the Owner/Developer is responsible for the repair costs.
3. No buildings or permanent structures shall be constructed in easements. Accumulation of storage, vehicles, lumber or other materials within the easement is not allowed.
4. No trees are allowed within the El Paso Water Utilities - Public Service Board Easement(s).
5. No rock wall is allowed within the El Paso Water Utilities – Public Service Board Easement(s). Rock wall shall be located at the easement lines.
6. No ponding encroachment within the El Paso Water Utilities – Public Service Board Easement(s).
7. Application for new water services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water lines and appurtenances.

**Attachments:**

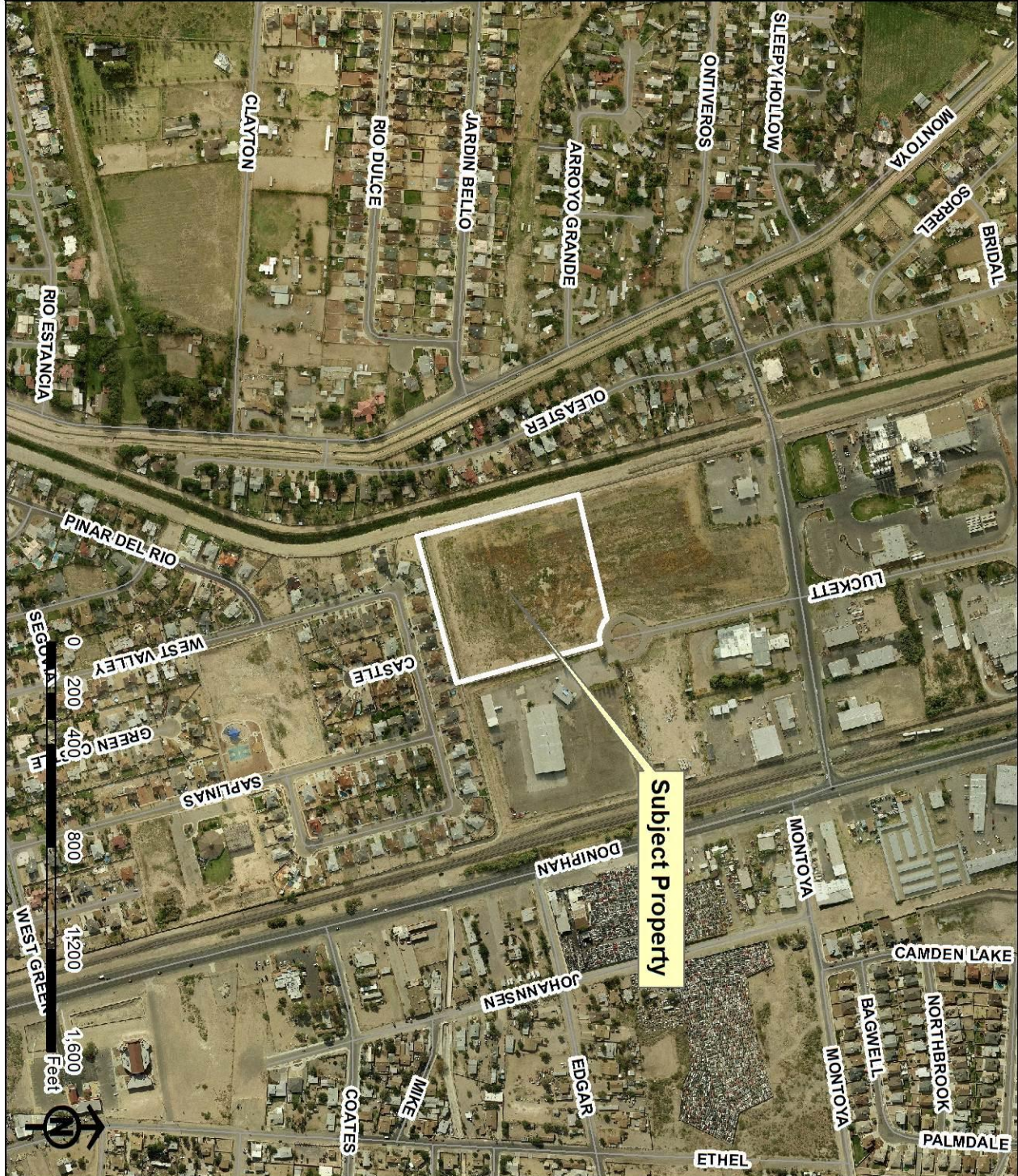
- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Special contract dated September 12, 1972
- Attachment 5: Ordinance No. 6725
- Attachment 6: Support Letter

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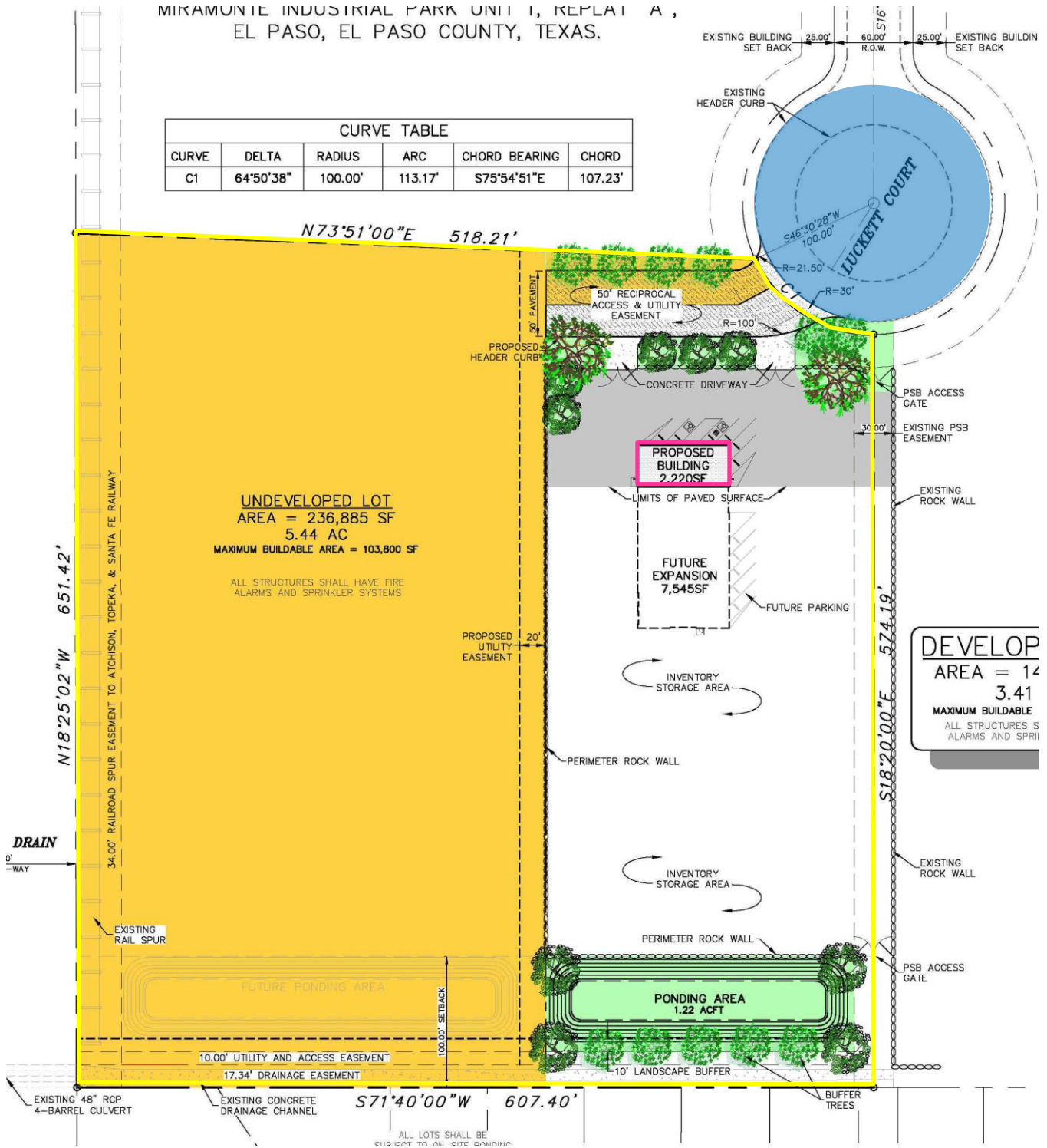




# ATTACHMENT 3: CONCEPTUAL SITE PLAN

MIRAMONTE INDUSTRIAL PARK UNIT 1, REPLAT A,  
EL PASO, EL PASO COUNTY, TEXAS.

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	64°50'38"	100.00'	113.17'	S75°54'51"E	107.23'



Thence South  $89^{\circ} 48'$  East along the north boundary of said Tracts 1 and 2, being common to the south right of way line of a drain (70 feet right of way), a distance of 1316.70 feet to the point of beginning, said parcel containing 23.806 acres of land, more or less.

Parcel 4:

Tract 7B, Block 12, Upper Valley Surveys, more particularly described as:

Beginning at the northeast corner of Tract 7B, Block 12 of the Upper Valley Surveys, said corner being on the westerly line of the Rio Grande, El Paso, and Santa Fe Railroad right of way;

Thence South  $18^{\circ} 20'$  East along said westerly right of way line a distance of 1054.70 feet to the southeast corner of said Tract 7B;

Thence North  $89^{\circ} 48'$  West along the south boundary of said Tract 7B, being common to the north right of way line of a drain (70 feet right of way), a distance of 1316.12 feet to the southwest corner of said Tract being on the easterly right of way line of the Montoya Drain;

Thence North  $17^{\circ} 24'$  West along said easterly right of way line a distance of 1049.10 feet to the northwest corner of said Tract;

Thence South  $89^{\circ} 48'$  East along the north boundary of said Tract 7B a distance of 1298.10 feet to the point of beginning, said parcel containing 30.004 acres of land, more or less.

(2) Application has been made to the City of El Paso to zone the property herein designated as Parcel 1 as A-O, and Parcels 2, 3, and 4 as I-D.

To remove certain objections to the proposed zoning First Party and Second Parties agree that if the property is zoned as proposed it will be subject to the following covenants and restrictions, and no building or structure will be constructed on the land unless such covenants and restrictions are complied with:

(a) The plat and the deed restrictions referred to in Section 25-32.1(F)(1) of the El Paso City Code shall be subject to approval by both the City Plan Commission and the City Council. (Platting of both parcels will be required.) *(this last sentence released from restrictions 25-3-77) as it applies to the A-O remains on the I-D parcels*

(b) In addition thereto, the restrictions set forth in Exhibit A attached hereto shall be filed concurrently with the plat.

(c) The design of the facilities for drainage of the site shall be



subject to approval by both the City Engineer and the City Council, and such drainage facilities shall be constructed before or concurrently with the construction of any building or structure.

(3) First Party has obtained from the Atchison, Topeka and Santa Fe Railway Company a commitment to provide automatic crossing gates and flashing signals at three grade crossings, traffic over which may be affected by the proposed zoning; and as a further inducement to the City Council to adopt the proposed zoning, a contract with the railroad providing for such traffic protection will be filed herewith, as a part of this transaction.

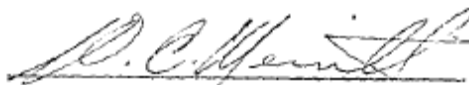
(4) This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First and Second Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

(5) The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, except the restrictions in Exhibit A, which after they have been filed for record may be changed only as provided in paragraph XVI thereof.

Witness the following signatures and seals:


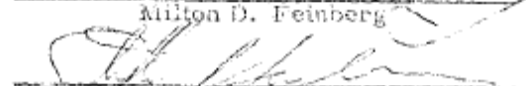
SANTA FE LAND IMPROVEMENT  
COMPANY

by



LAND AND TAX AGENT

ATTEST:

  
Asst. Secretary  
Milton D. Feinberg  
  
Stephen L. Feinberg

6725

City of El Paso  
Date: 9/11/79  
City Clerk: [Signature]

AN ORDINANCE ADOPTING A REVISED ZONING MAP OF THE CITY OF EL PASO, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That pursuant to Section 25-8 of the El Paso City Code (Zoning District Maps - incorporated by reference) the following attached maps:
  - a) The map, consisting of sheets 1 to 62, inclusive, captioned "Official Zoning Map Series, City of El Paso, Scale 1" = 300'," and bound together with a title-index sheet;
  - b) The map, consisting of sheets 1 to 15, inclusive, captioned "Zoning Map Series Supplement, 1" = 600' series," and bound together with a title-index sheet;

which maps are made a part of this Ordinance by reference, be and are hereby adopted as the Revised Zoning Map of the City, and shall supersede all prior maps and revisions thereof.

2. That the use districts and area districts shall be as shown on said map; and all notations, references and other information shown on said maps are hereby made a part of the Zoning Ordinance and shall be considered as much a part of the same as if the matters and information set forth by said map were all fully described therein. Except as otherwise provided in the Zoning Ordinance, no building shall be used, erected, or structurally altered, except in conformity with the regulations provided in the Zoning Ordinance for the use and area districts in which such building is located as shown by such revised map.

PASSED AND APPROVED this 11th day of September, 1979.

ATTEST:  
[Signature]  
City Clerk

[Signature]  
Mayor

APPROVED AS TO FORM:  
[Signature]  
City Attorney

6725

ATTACHMENT 6: SUPPORT LETTER

**From:** McElroy, Michael  
**To:** "[Jacques Reulet](#)"  
**Subject:** RE: Case # PZRZ13-00038  
**Date:** Monday, July 28, 2014 8:31:00 AM

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Mr. Reulet,

Thank you for your communication.

It will be included in my staff report.

Michael

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**From:** Jacques Reulet [mailto:[jacqueshreulet1@gmail.com](mailto:jacqueshreulet1@gmail.com)]  
**Sent:** Monday, July 28, 2014 8:28 AM  
**To:** McElroy, Michael  
**Subject:** Case # PZRZ13-00038

Good Morning Michael, we agree to the change of zone status. I appreciate your help to communicate our position on your meetings regarding this matter.

**CASE # PZRZ13-00038**

**DATE : AUGUST 14, 2014**

**TIME : 01:30 P.M.**

**PLACE : City Council Chamber, 1st.**

**Floor, City Hall,**

**300 N. Campbell Street, El Paso, Texas**

If you have any comments or concerns please contact me at your convenience.

Regards,

*Jacques H. Reulet*

5924 Oleaster Dr.  
El Paso, TX 79932  
P. 915.276.1367